

BAY COUNTY ELECTION COMMISSION

NOVEMBER 26, 1990

THE BAY COUNTY ELECTION COMMISSION MET ON MONDAY, NOVEMBER 26, 1990 IN THE COMMISSIONERS GROUND FLOOR CONFERENCE ROOM OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER FOR THE PURPOSE OF CLARITY HEARING ON PETITION LANGUAGE SUBMITTED FOR THE RECALL OF BAY COUNTY EXECUTIVE, KIM A. HIGGS. THE MEETING WAS CALLED TO ORDER BY THE CHAIRMAN OF THE COMMITTEE, JUDGE PAUL DONER, AT 8:40 A.M. THE FOLLOWING GUESTS AND COMMITTEE MEMBERS WERE IN ATTENDANCE.

ROLL CALL: PROBATE JUDGE PAUL N. DONER, CHAIRMAN
COUNTY TREASURER, EDWARD LEWANDOWSKI
DEPUTY COUNTY CLERK, LINDA L. TOBER

ALSO PRESENT: CYNTHIA A. LUCZAK, SECRETARY TO THE CLERK
KIM A. HIGGS, COUNTY EXECUTIVE
PATRICK DUGGAN, DEPUTY EXECUTIVE
CONSTANCE FAUBLE, PETITIONER
JAMIE DAVIS, BAY CO. RESIDENT
JOHN KRAMER, BAY CO. RESIDENT
NEWSMEDIA

THE MEETING OF THE ELECTION COMMISSION WAS CALLED IN ACCORDANCE WITH MCIA SECTION 168.952; SAID REQUIRED APPROVAL OF THE ELECTION COMMISSION PRIOR TO CIRCULATION OF ANY PETITION FOR RECALL. THE PETITION HAD BEEN SUBMITTED BY CONSTANCE FAUBLE FOR THE RECALL OF KIM HIGGS. IT WAS MS. FAUBLE'S THIRD ATTEMPT TO OBTAIN A FAVORABLE RECOMMENDATION, AS FAR AS THE CLARITY OF HER RECALL PETITION WAS CONCERNED.

CHAIRMAN DONER INFORMED THE COMMISSION AND GUESTS THAT MS. LINDA TOBER, CHIEF DEPUTY CLERK, WAS PRESENT DUE TO THE ABSENCE OF COUNTY CLERK, BARB ALBERTSON. CHAIRMAN DONER FURTHER STATED MS. TOBER HAD THE VOTING POWER OF MS. ALBERTSON ACCORDING TO STATE STATUTE.

MOTION 1: CHAIRMAN DONER MOVED TO ADOPT THE ELECTION COMMISSION MINUTES OF NOVEMBER 14, 1990 WITH THE FOLLOWING AMENDMENT. ON PAGE 3 OF THE MINUTES, JUDGE DONER REQUESTED THE LANGUAGE OF THE LAST PARAGRAPH BE OMITTED STATING MS. FAUBLE "REPRESENTING THE PEOPLE OF BAY COUNTY". EVEN THOUGH MS. FAUBLE MADE THAT COMMENT AT THE MEETING, JUDGE DONER FELT THE STATEMENT WAS INACCURATE & NOT BE A PART OF THE ADOPTED MINUTES. HE FURTHER EXPLAINED, MS. FAUBLE DID NOT REPRESENT THE "PEOPLE OF BAY COUNTY" IN ANY OFFICIAL OR UNOFFICIAL CAPACITY AS FAR AS HE WAS AWARE OF. IN HIS OPINION, THE WORDING DEVELOPED CONCLUSIONS THAT WERE FAULSE. CLERK LINDA TOBER SUPPORTED THE MOTION TO OMIT THE LANGUAGE SO STATED AND THE MOTION WAS PASSED BY A ROLL CALL VOTE OF 3 YEAS, 0 NAYS.

IN ACCORDANCE WITH THE OPEN MEETINGS ACT, CHAIRMAN DONER ANNOUNCED PUBLIC INPUT WOULD BE ACCEPTED AT THIS TIME.

CITIZEN
INPUT:

BAY COUNTY RESIDENT, JAMIE DAVIS, FELT THE COUNTY EXECUTIVE HAD A RESPONSIBILITY TO BAY COUNTY CITIZENS TO ENDORSE OR OPOSE FORMER PROJECTS INTRODUCED ON BEHALF OF THE TAXPAYERS. HE REFERRED TO THE PINCONNING TOWNSHIP LANDFILL PROJECT; THE ACUNET INCINERATION FACILITY; AND ROAD PATROL ISSUE. MR. DAVIS QUESTIONED WHERE FUNDS WERE AVAILABLE FOR A GRAND JURY INVESTIGATION; GOLF COURSE FEASIBILITY STUDY AND METROPOLITAN POLICE FORCE CONSIDERATION FOLLOWING THE DEPLETION OF CURRENT ROAD PATROL SERVICES. IN HIS OPINION, MORE DEPUTIES ON THE ROAD WOULD GENERATE THE REVENUE NECESSARY TO FUND THEIR OPERATION. DISSATISFACTION WAS EVIDENCED FOR THE NOTION OF SELLING THE FAIRGROUND PROPERTY TO DEVELOPERS. IN CONSIDERATION OF THESE FACTS, MR. DAVIS ASKED THE BOARD ADOPT THE RECALL WORDING.

CITIZEN
INPUT:

BAY COUNTY RESIDENT, JOHN KRAMER, ATTENDED THIS SESSION IN SUPPORT OF RECALL OF EXECUTIVE, KIM HIGGS. MR. KRAMER STATED HE WAS NOT PLEASED WITH THE MANNER IN WHICH THE RECALL CLARITY HEARING PROCEDURES WERE BEING CONDUCTED. MR. KRAMER HAD TAKEN IT UPON HIMSELF TO REVIEW PROCEEDINGS AND CONSULT THE STATE ELECTIONS BUREAU REGARDING STATE STATUTE. EMPHASIZED WAS THE DUTY OF THE COMMISSION TO ONLY DETERMINE THE CLARITY OF THE PETITION SUBMITTED. HE FELT THE DELAY IN PETITION APPROVAL WAS DELIBERATE AND THAT THE COMMISSION ALLOWED THE EXECUTIVE ADDITIONAL TIME TO PREPARE A RESPONSE TO THE ALLEGATIONS. THE REASONS MR. KRAMER CITED WERE POLITICALLY ORIENTED, A DEMOCRATIC BOARD, MR. HIGGS A MEMBER OF THE DEMOCRATIC PARTY - THE BOARD WAS ACTING IN A BIASED FASHION AS NOT TO REMOVE "ONE OF THEIR OWN KIND" FROM OFFICE. MR. KRAMER CLAIMED THE EXECUTIVE UTILIZED THE POWER OF THE PRESS TO BENEFIT HIS POSITION ON VARIOUS ISSUES. MR. KRAMER ADDITIONALLY ANNOUNCED THE OPINION OF THE ATTORNEY GENERAL'S OFFICE IN REGARD TO THE FORMER PETITIONS FILED MS. FAUBLE, THE ATTORNEY GENERAL FELT THE FORMER PETITIONS SHOULD HAVE BEEN PASSED BY THE ELECTION COMMISSION. FURTHER OBJECTIONS WERE EXPRESSED TO THE ATTENDANCE OF DEPUTY EXECUTIVE PAT DUGGAN AT THE CLARITY HEARINGS; APPOINTMENT OF GEORGE MULLISON FOR LEGAL COUNSEL; LACK OF UNDIVIDED ATTENTION OF EDWARD LEWANDOWSKI AND THE ASSUMED BUDGETARY THREATS OF MR. HIGGS AGAINST THE COMMISSION COMPRISED OF ELECTED OFFICIALS.

AS NO ONE ELSE WISHED TO ADDRESS THE COMMISSION WITH THEIR COMMENTS, JUDGE DONER PROCEEDED WITH THE COMMENTS OF MR. HIGGS AND CONSTANCE FAUBLE.

TREASURER EDWARD LEWANDOWSKI WISHED TO RESPOND TO THE COMMENTS MADE BY MR. KRAMER. THE TREASURER INDICATED HE HAD GIVEN THE RECALL PETITION THOROUGH CONSIDERATION. DUE TO A SHORT WORK WEEK (THANKSGIVING HOLIDAY), THE TREASURER HAD BROUGHT SOME OFFICE WORK TO THE CLARITY HEARING. HE INDICATED HE WISHED TO COMPLETE THIS SHORT ASSIGNMENT ON THAT DATE BEFORE CONTINUING HIS VACATION. MR. LEWANDOWSKI INFORMED MR. KRAMER HE WOULD BE RETURNING TO HIS VACATION FOLLOWING THE CLARITY HEARING. ADDITIONALLY, ANY VOTE HE CAST, EITHER FOR OR AGAINST THE RECALL WORDING, WOULD NOT BE POLITICALLY MOTIVATED.

KIM HIGGS STATED HE OPPOSED THE WORDING ON THE RECALL PETITION AS IT DID NOT CLEARLY IDENTIFY ACTS OR TRANSACTIONS OF HIS COURSE OF CONDUCT IN OFFICE. MR. HIGGS FELT THE PETITIONERS WERE HOLDING HIM RESPONSIBLE FOR ACTS COMMITTED BY THE BOARD OF COMMISSIONERS, MAKING HIM A SCAPEGOAT FOR ADOPTION OF THE 1991 BUDGET THAT CUT FUNDING FOR ROAD PATROL SERVICES. THE EXECUTIVE PRESENTED COPIES OF THE GENERAL APPROPRIATION BUDGET ACT ADOPTED BY THE BOARD OF COMMISSIONERS SEPTEMBER 28, 1990, SHOWING THE LACK OF CREDIBILITY OF THE ARGUMENT RELATING TO THE COURSE OF CONDUCT/ACTS OF THE EXECUTIVE. PUBLIC HEARINGS HAD BEEN HELD BY THE WAYS AND MEANS COMMITTEE WITH THE INPUT OF VARIOUS DEPARTMENT HEADS, FINAL BUDGET ADOPTION BY BOARD OF COMMISSIONERS. IN SUPPORT, MR. HIGGS CITED THE MASTEN VS. ELECTION COMMISSION CASE, THIS DEALT WITH THE RECALL OF SENATOR MASTON FOR VOTE CAST REGARDING A TAX INCREASE. THIS PARTICULAR CASE WAS BASED ON THE "ACT" PERFORMED BY SENATOR MASTON IN HIS CASTING OF THE VOTE. MR. HIGGS THEN EXPLAINED THE WEBSTER DICTIONARY DEFINITION OF THE WORD "ACT". MR. HIGGS ADDRESSED THE ALLEGATIONS THAT "HE AUTHORED PLANS TO NEARLY ELIMINATE THE BAY CO. SHERIFF DEPARTMENT". THE BUDGET DOCUMENT EXECUTED BY THE CHAIRMAN OF THE BOARD OF COMMISSIONERS. ANOTHER CASE REFERENCED WAS MULLITOR VS. MILLER, SPECIFICALLY STATING THE WORDING FOR RECALL MUST BE CLEAR AND UNMISTAKABLE. HE APPLIED THIS TO THE "AUTHORING OF THE BUDGET" ARGUMENT IN THAT IT WAS UNCLEAR/AGAIN, THE CHAIRMAN AUTHORED THE GENERAL APPROPRIATION ACT. LASTLY TAKEN INTO CONSIDERATION WAS THE WOODS VS. CLERK OF SAGINAW COUNTY CASE, IN SUPPORT OF THE FACT THAT AN ADEQUATE BASIS BE ESTABLISHED FOR RECALL. THAT THE REASON FOR RECALL BE STATED WITH CLARITY FOR THE OFFICERS AND ELECTORS TO IDENTIFY THE TRANSACTION AND KNOW THE CHARGES MADE IN CONNECTION WITH. HE THEREAFTER PROVIDED THE WEBSTER DICTIONARY DEFINITION OF THE WORD "TRANSACTION". MR. HIGGS CONTENDED HE WOULD BE RESPONSIBLE FOR THE DUTIES HE WAS SUPPOSED TO TAKE CARE OF AND NOT THOSE BEYOND HIS CONTROL.

TO CONCLUDE, THE EXECUTIVE STATED THE WORDING OF THE PETITION WAS QUITE UNCLEAR AND ALLEGED RESPONSIBILITY THE EXECUTIVE DID NOT HAVE AND THEREFORE DID NOT EXERCISE.

PETITIONER CONSTANCE FAUBLE REMINDED THE ELECTION COMMISSION THIS WAS THE THIRD PETITION SUBMITTED FOR RECALL OF KIM A. HIGGS AND IT WAS BASED ON THE INFORMATION PROVIDED BY THE COMMISSION FOR WORDING ACCEPTANCE. IN ADDITION, MS. FAUBLE HAD RECENT COMMUNICATION WITH STATE OFFICIALS REGARDING THE FORM IN WHICH THE PETITION COULD BE SUBMITTED. JUDGE DONER INFORMED MS. FAUBLE OF HER RIGHT TO APPEAL ANY FORMER ACTION THE ELECTION COMMISSION HAD TAKEN AND ASKED THAT MS. FAUBLE NOT RESTATE THE DETAILS/ACTION OF FORMER COMMITTEE SESSIONS. IN RESPONSE TO MR. HIGGS'S ARGUMENT REGARDING THE BUDGET, MS. FAUBLE INDICATED SHE WAS FAMILAR WITH THE BUDGET AND HAD RETAINED HER RECALL PETITION FACTS (NUMBERS) FROM SAID DOCUMENT. AS THE EXECUTIVE HAD THE AUTHORITY TO VETO ACTION TAKEN BY THE BOARD OF COMMISSIONERS, SHE QUESTIONED WHY MR. HIGGS DID NOT DO SO WITH THE 1991 BUDGET EXCLUDING FUNDS FOR ROAD PATROL SERVICES. THE ALLEGATIONS OF "AUTHORED" THE BUDGET, WERE DERIVED FROM THE EXECUTIVE'S INPUT AND NAME LISTED ON THE COVER OF THE BUDGET DOCUMENT ITSELF. MS. FAUBLE THEN CITED MCLA 6.1952, SECTION 952, FOR REINFORCEMENT OF THE ELECTION BOARD TO BASE THEIR ACCEPTANCE/REJECTION DECISION ON CLARITY AND FOR THE OFFICER AND ELECTORATE TO IDENTIFY THE COURSE OF CONDUCT THE RECALL HAD BEEN BASED UPON. MS. FAUBLE FELT THE DELAY IN ACCEPTING THE PETITION WORDING WAS A POLITICAL ACTION AND REQUESTED THE COMMISSION ALLOW THE RIGHTS OF THE PUBLIC TO EXERCISE THEIR RECALL OPTION.

MOTION 2: FOLLOWING THE DISCUSSION, EDWARD LEWANDOWSKI MOVED TO ACCEPT THE PETITION WORDING FOR CLARITY AS SUBMITTED IN THE RECALL OF COUNTY EXECUTIVE, KIM A. HIGGS. JUDGE PAUL DONER SUPPORTED THE MOTION TO ACCEPT THE PETITION AND HE THEN ELABORATED ON THE REASONS WHY HE CAST HIS VOTE TO APPROVE.

JUDGE DONER FELT TWO STRONG ARGUMENTS WERE PRESENTED TO CONVINCE HIM THE WORDING ON THE PETITION SUBMITTED AT THIS CLARITY MADE THE PETITION ACCEPTABLE FOR CIRCULATION TO THE ELECTORATE. ONE, THE TERMINOLOGY INDICATING THE EXECUTIVE "AUTHORED" THE BUDGET AND SECONDLY, THE FACT THAT THE ELECTION COMMISSION DID NOT HAVE TO AGREE OR PROVE THE ALLEGATIONS CITED WERE TRUE, BUT ONLY CLEAR TO THE OFFICER AND THE ELECTORATE. MANY OF THE STATEMENTS MADE IN DEFENSE BY THE EXECUTIVE, COULD BE PLACED ON THE BALLOT IN RESPONSE, IN MR. DONER'S OPINION. WITH NO ONE ELSE WISHING TO VOICE ADDITIONAL COMMENTS, CHAIRMAN DONER CALLED FOR A ROLL CALL VOTE ON MOTION #2.

MOTION 2: CLERK TOBER CALLED THE ROLL CALL OF VOTES REGARDING ACCEPTANCE OF THE RECALL PETITION WORDING AS SUBMITTED. THE COMMISSION VOTED UNANIMOUSLY TO ACCEPT THE PETITION, 3 YEAS, 0 NAYS.

CHAIRMAN DONER CONFIRMED THAT MS. FAUBLE HAD RECEIVED THE PROPER NUMBER OF SIGNATURES WHICH SHE NEEDED TO OBTAIN ON THE PETITIONS. (8,692 VALID)

MR. HIGGS QUESTIONED WHETHER OR NOT THE CIRCULATION OF PETITIONS WOULD BE DELAYED IF A LAWSUIT WOULD BE INITIATED. CLERK LINDA TOBER RESPONDED "YES". SHOULD MS. FAUBLE BEGIN TO CIRCULATE PETITIONS AND AN APPEAL FILED BY MR. HIGGS, PETITIONS COMPLETED PRIOR TO DETERMINATION OF THE COURT WOULD BE DEEMED INVALID, PURSUANT TO STATE STATUTE. MS. FAUBLE REQUESTED THAT INFORMATION IN WRITING. (SEE MCLA 168.952 (6)).

AS MS. FAUBLE FELT SHE HAD A RIGHT TO VOICE HER CONCERNS REGARDING THE OPERATION OF THE COUNTY EXECUTIVE POSITION, SHE PRESENTED A WRITTEN REQUEST FOR RETRACTION OF STATEMENTS MADE BY THE EXECUTIVE THROUGHOUT THE RECALL PROCESS.

MOTION 3: TREASURER LEWANDOWSKI MOVED TO ADJOURN THE CLARITY HEARING TO THE CALL OF THE CHAIR. JUDGE DONER SUPPORTED THE MOTION AND CLERK TOBER RECORDED A ROLL CALL VOTE OF 3 YEAS, 0 NAYS. THE SESSION ADJOURNED AT 9:30 A.M.

PAUL N. DONER, CHAIRMAN
PROBATE JUDGE

EDWARD LEWANDOWSKI, MEMBER
BAY CO. TREASURER

LINDA L. TOBER, MEMBER
CHIEF DEPUTY CLERK

CYNTHIA A. LUCZAK, SECRETARY
TO THE COUNTY CLERK

DONER: ANYONE ELSE HAVE PUBLIC COMMENT?

KRAMER: YES SIR.

DONER: MAY WE HAVE YOUR NAME PLEASE?

KRAMER: MY NAME IS JOHN KRAMER, AHH, I GUESS MY CONCERN AND THE REASON I'M HERE TODAY IS I AGAIN ALSO SUPPORT THE RECALL AND THE PETITION. WHAT CONFUSES ME AND WHAT REALLY KIND OF UPSETS ME ARE, THE CITIZENS OF THIS COMMUNITY, IS THE WAY THAT THIS BOARD HAS TAKEN A LOOK AT THE PETITION AND THE WAY THAT THIS THING IS RUN. I SPENT THE LAST TWO OR THREE WEEKS GOING OVER THE RECALL STATUTES, THE OPEN MEETING ACT, AHH, I'VE LISTENED TO TAPES THAT PRIOR MEETINGS WERE HELD AND EVERYTHING THAT CAN READ, AND I'M A NORMAL PERSON, YES, I'M A POLICE OFFICER-I DO KNOW THE LAW. BUT, FOR A COMMON DAY PERSON TO SIT AND READ THESE STATUTES, IT STATES VERY CLEARLY THAT THE ROLE OF THIS BOARD, OF THIS COMMITTEE, IS TO STATE WHETHER OR NOT THIS PETITION IS CLEAR. NOT WHETHER OR NOT THERE ARE TRUTH OR LIES TO IT, NOT WHETHER OR NOT MR. HIGGS'S SIDE IS MORE IMPORTANT THAN CONNIE FAUBLES' SIDE. THE...., IT STATES NUMEROUS TIMES, THAT THE PETITIONER NEED NOT SHOW CAUSE, PROOFS, OF ANY TYPE ONLY THAT THE PETITION IS CLEAR AND IT JUST CONFUSES ME AND ANGERS ME THAT THE BOARD CONTINUES TO HOLD UP THIS PETITION BECAUSE THEY FEEL THAT IT IS NOT CLEAR, ALLOWING MR. HIGGS ALL THE TIME HE NEEDS TO DEFEND HIMSELF. HIMSELF, NOT THE PETITION, NOT ON THE FACT THAT THE PETITION IS CLEAR. IF HE WAS TO STAND UP AND SAY IT IS NOT CLEAR BECAUSE THIS WORD MEANS THIS AND THEN SO BE IT. THATS HIS RIGHT, THATS HIS ABILITY, THATS WHAT WE'RE HERE FOR TODAY. WE'RE NOT HERE FOR HIM TO SIT HERE AND TELL YOU, THIS IS A LIE THIS IS A LIE, SHE'S BEING FRAUDULENT SHE'S BEING, MIS-REPRESENTING THE CITIZENS OF BAY COUNTY. WE'RE NOT HERE TO DECIDE THAT, THATS FOR US, THE PEOPLE OF BAY COUNTY TO UNDERSTAND. WE PUT HIM INTO OFFICE, WE HAVE THE RIGHT TO REMOVE HIM IF WE FEEL THAT HE IS NOT DOING HIS JOB PROPERLY. I REPRESENT MY FAMILY AND FAMILIES OF THIS COMMUNITY. MY FEELINGS, I DON'T WANT TO SEE MYSELF LOOSE MY JOB - NO - IF I WAS A JANITOR I WOULD STILL FEEL THE SAME WAY. HE'S NOT GOING TO GET OUT OF HIS BED TO COME TO MY HOUSE AND ARREST A MAN THATS RAPED MY DAUGHTER OR ATTACKED MY WIFE. O.K. THATS MY FEELING ON THAT. HIGGS IS GONNA TELL YOU THEY'RE LIES, HE'S GONNA TELL YA THEY'RE MIS-REPRESENTATIONS. HE WANTS TO SAVE HIS BUTT, THATS HIS JOB. I'D TELL YOU THE SAME THING IF MY JOB WAS ON THE LINE. YOU CAN'T FIND AN HONEST POLITICIAN, QUOTE, UNQUOTE, THATS THE SAME AS THE WAY THE DAYS GO. THIS BOARD, TO ME, AND I DON'T, MR. DONER, I HAVE THE UTMOST RESPECT FOR YOU BECAUSE I'VE BEEN IN FRONT OF YOU IN YOUR COURT AS A POLICE OFFICER AND I DON'T KNOW HOW TO ACCEPT THE WAY THIS BOARD IS BEING RUN TODAY. MAYBE IT'S JUST THE WAY I'VE MISINTERPRETED IT. TO ME, THE BOARD SEEMS BIASED. THE BOARD SEEMS THAT MR. HIGGS, WHO HAD MADE STATEMENTS, THAT HE'S A POLITICIAN, HE'S A DEMOCRAT. THE BOARD IS A DEMOCRATIC BOARD, HE'S A MEMBER OF THE DEMOCRATIC PARTY, HE'S NOT GOING TO GET RECALLED, THIS BOARD IS NOT GONNA PASS THIS RECALL PETITION BECAUSE THEY ARE NOT GOING TO REMOVE ONE OF THEIR OWN KIND. THAT IS A DEFLAMATORY STATEMENT IN MY OPINION. WHETHER OR NOT YOU PEOPLE AGREE WITH THAT, WHETHER OR NOT YOU ARE WRAPPED AROUND HIS FINGER, I WOULD HOPE NOT. THATS THE IMPRESSION HE'S GIVING ME AND THE PEOPLE IN THIS COMMUNITY BY THE STATEMENTS HE WRITES IN THE HIS NEWSPAPER. HE'S MISUSED THAT NEWSPAPER, HE'S MISUSED THE PUBLIC PRESS, TO GET HIS WAY AND TO FENAGLE HIS WAYS AROUND TO MAKE IT LOOK LIKE HE'S AN ANGEL. IN FACT HE'S NOT, MR. HIGGS IS A PUBLIC FIGURE NOW, THE SAME THING AND THE SAME, AHH... STANDARDS

KRAMER:

HE USED TO THROW AND TO GET, EXCUSE ME, AHH, TO GET MR. GREEN RELEASED AS SHERIFF AND TO DESTROY OUR SHERIFF'S DEPARTMENT. HE'S THROWN THE SAME TACTICS OUT, THE SAME LINES, THE SAME ALLEGATIONS, THE SAME THINGS THAT HAVE NOT BEEN PROVEN BUT YET HE THROWS IT UPON HIMSELF TO PUBLICIZE THESE THINGS. THERE HAVE BEEN NO CHARGES FILED. THERES BEEN NOTHING SHOWN THAT ANYONE HAD DONE ANYTHING WRONG. THATS FOR A COURT TO DECIDE, NOT THE NEWSPAPER. I HOPE THAT THERE IS NO TIME LIMIT ON THIS BOARD TODAY. I HOPE THAT MS. FAUBLE DOES NOT GET CUT OFF OR SHUT DOWN AS SHE DID LAST TIME. SHE SHOULD HAVE THE RIGHT TO SPEAK HER FULL AND ENTIRETY, EVEN IF SHE REPEATS WHAT SHE'S GOT WRITTEN DOWN ON PAPER. I CONTACTED THE ATTORNEY GENERAL'S OFFICE ON MY OWN TIME AND ON MY OWN EFFORTS TO FIND OUT WHY THESE PETITIONS WERE NOT BEING PASSED. ACCORDING TO THE ATTORNEY GENERAL'S OFFICE AND THE MICHIGAN ELECTION LAW BUREAU, THE FIRST ONE SHOULD HAVE PASSED BECAUSE IT HAD ONE STATEMENT IN IT THAT WAS TRUE. THE SECOND ONE SHOULD HAVE PASSED HANDS DOWN. THEY SAID YOU HAVE GROUNDS TO APPEAL IF YOU WISH. I STATED, I'M NOT A MEMBER OF THE BOARD BUT I WILL PASS THE INFORMATION ON. THEY STATED THE BOARD APPEARS TO THEM THAT THEY ARE STARTING TO SHOW BIASIM TOWARD MR. HIGGS. WHAT I WANNA DO, ALLS I WANNA SAY, VERY BRIEFLY NOW, FIRST OF ALL, THERE IS NO REASON FOR MR. HIGGS TO BE REPRESENTED BY MR. DUGGAN. THERES NO REASON FOR HIM TO BE HERE. HE HAS A RESPONSIBILITY TO THE COUNTY RIGHT NOW. WHOSE PAYING HIM TO SIT HERE TODAY. THIS IS NOT A PUBLIC TRIAL. THIS IS NOT A JUDICIAL PROCESS THIS IS A POLITICAL MATTER. THE COUNTY DOES NOT PAY COUNTY FUNDS TO PROVIDE MR. HIGGS WITH A CIVIL COUNSEL FOR A POLITICAL MEETING AND IF MR. DUGGAN IS HERE, OUT OF CURIOSITY, THEN HE'S NOT DOING HIS JOB FOR THE COUNTY. HIS JOB IS TO REPRESENT AND TO DO THE CIVIL COUNSELING FOR THE COUNTY NOT TO SIT HERE AND NOT TO REPRESENT MR. HIGGS. I WAS UPSET WHEN THE BOARD HAD OBTAINED AN ATTORNEY, MR. MULLISON TO REPRESENT THEMSELVES WITHOUT DOING IT AT THE MEETING. IT SHOULD HAVE BEEN DONE AT THE MEETING. IT WAS AN OPEN MEETING, THERE WAS A DECISION MADE AND THE PEOPLE SHOULD HAVE BEEN INVOLVED IN THAT DECISION. ALLS I WANT, AHH...., WHEN MR. HIGGS SITS THERE AND TELLS YOU THESE ARE LIES, THESE ARE FAULSEHOODS, THESE ARE EVERYTHING, DON'T LISTEN TO THAT. YOUR JOB AND YOUR JOB ALONE IS TO DETERMINE, IS THIS PETITION CLEAR-WILL AN ORDINARY CITIZEN SUCH AS MYSELF AND THE REST OF THESE PEOPLE HERE TODAY, THEY SIT DOWN AND READ ON A PIECE OF PAPER AND UNDERSTAND WHAT IT STATES THEN IT IS CLEAR, IT ES UP TO US TO DECIDE WHETHER OR NOT IT IS TRUE OR IT IS FAULSE. MR. HIGGS WILL HAVE AN OPPORTUNITY TO PLACE 200 WORDS ON THAT BALLOT JUSTIFYING WHY ITS NOT TRUE. THATS WHY THEY MADE THE LAW THAT WAY, SO YOU DON'T HAVE TO DECIDE ON THAT ISSUE. AND I'M UPSET WITH MR. LEWANDOWSKI BECAUSE HE'S SITTING HERE AND DOING COUNTY TREASURY TIME, PUTTING ENVELOPES, STUFFING ENVELOPES, WHEN HE SHOULD BE LEARNING THE RULES OF THIS BOARD AND SHOULD BE PAYING ATTENTION TO WHATS GOING ON. THATS AN INSULT TO ME. WE'RE HERE FOR AN IMPORTANT ISSUE. WHY DO THE CITIZENS OF THIS COMMUNITY, AND CITIZENS OF THIS COMMITTEE HAVE TO FOLLOW THE RULES AND BE TOLD TIME AND TIME AGAIN, YOU DIDN'T FOLLOW THIS PROPER PROCEDURE, YOU DIDN'T DO THIS PROPER PROCEDURE, AND YET THE BOARD CAN SIT THERE AND OPENLY AND KNOWINGLY AVOID WHAT THE LAW STATES FOR PEOPLE OF THE OPEN MEETINGS ACT AND THE MICHIGAN COMPLIED LAWS UNDER THE RECALL STATUTES. THERES RULES TO BE FOLLOWED, THIS HAS GONE ON LONG ENOUGH. YOUR STALLING THIS TACTIC. I DON'T KNOW WHY. I HOPE THATS NOT HAPPENING MR. DONER BECAUSE AGAIN, LIKE I SAY, I HAVE THE UTMOST RESPECT FOR YOU AND I DON'T KNOW IF YOUR AFRAID OF MR. HIGGS BECAUSE HE OVER SEES YOUR BUDGET. I CAN SEE THE SAME REASON WITH BARB ALBERTSON. YOU DON'T CONCERN YOURSELF WITH THAT, PLEASE. DO WHAT WE'VE HIRED YOU TO DO, DO WHAT THE PEOPLE HAVE

KRAMER:

ELECTED YOU TO DO, FOLLOW THE LAWS. KIM HIGGS IS GONNA GET
RECALLED NO MATTER WHAT WAY ANYBODY DOES. WE'LL BE BACK
HERE DAY IN AND DAY OUT UNTIL WE PASS THIS PETITION. THE
PUBLIC WANTS HIM OUT, HE'S GONNA GET OUT. DON'T BE INTIMI-
DATED BY HIM, DON'T FEEL THREATENED BY HIM. JUST DO YOU
JOB AND CLARIFY THIS PETITION. THANK-YOU VERY MUCH.

DONER:

THANK-YOU MR. KRAMER.